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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,169	07/31/2003	Don F. Mackrill	030548	7537

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EXAMINER

TRAN, HANH VAN

ART UNIT PAPER NUMBER

3637

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/631,169

Applicant(s)

MACKRILL ET AL.

Examiner

Hanh V. Tran

Art Unit

3637

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14, 16-21 and 23-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 16-21, 23-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is a Second Non-Final Office action from the examiner in charge of this application in response to applicant's amendment dated 2/6/2006.
2. Upon further consideration, the indicated allowability of claim 17 is hereby withdrawn. Any inconvenience is regretted.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 1-14, 16-21, 23, 26-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1, since line 17 recited "at least one guide member" which is only one guide member, the recitation on line 18 of "each of said at least one guide members" lacks antecedent basis, thus renders the claim indefinite for failing to clearly define the scope or the metes and bounds of the claimed invention (it is not clear there is just one or more guide member(s)). Claim 4, line 2, the recitation "selected from..." is of improper Markush type of claim; it should be "selected from the group consisting of...". Claim 23, since line 2 recited "at least one support sleeve" which is only one support sleeve, the recitation on line 4 of "in one of said at least one support sleeves" lacks antecedent basis, thus renders the claim indefinite for failing to clearly define the scope or the metes and bounds of the claimed invention (it is not clear there is just one or more support sleeve(s)). Claim 26, (1) line 1 recited "at least one guide member" which is only one guide member, the recitation on

lines 2-3 of "each of said at least one guide members" lacks antecedent basis, thus renders the claim indefinite for failing to clearly define the scope or the metes and bounds of the claimed invention (it is not clear there is just one or more guide member(s)); (2) lines 6-7, there is an inconsistency between the terms, e.g., "each of said at least one guide members" and "in one of said at least one support sleeves", thereby renders the claim indefinite for failing to clearly define the scope or the metes and bounds of the claimed invention. Claim 28, since the claim recited "at least one bracket" and "at least on upper stop member, the recitation of "each said bracket" and "each said upper stop member" render the claim indefinite for failing to clearly define the metes and bounds of the claimed invention. .

Claim Objections

5. Claim 20 is objected to because of the following informalities: in claim 20, "each said bracket" and "each said upper stop member" should be "said bracket" and "said upper stop member", respectively. Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 24-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Flomat Ltd Drawings of Lift Table, 1984 (Flomat).

Flomat discloses a table assembly comprising all the elements recited in the above listed claims including (a) a bag support table 1 having an upper surface; (b) at least one vibrating motor 12 for vibrating the bag support table, the at least one vibrating motor being connected to the bag support table 1 and being located below the upper surface of the table; (c) a lifting device 10 for raising and lowering the bag support table 1 along an axis, the lifting device being located below said bag support table 1, (d) at least one resilient connector 14 through which the lifting device is connected to the bag support table, the at least one resilient connector damping vibrations produced by the at least one vibrating motor 12 and transmitted from the bag support table to the lifting device; (e) a base plate 2 having an upper surface on which the lifting device is mounted; (f) a mounting plate 7 having an upper surface and a lower surface, the bag support table 1 being mounted on the upper surface through the at least one resilient connector 14 and the lifting device being attached to the lower surface; (g) a lower stop member (3,4) for preventing downward movement of the bag support table beyond a lower height limit, said lower stop member being located above the base plate and having a height which is substantially the same as that of the lifting device 10 in a collapsed state; wherein the lower stop member (3,4) abuts both the base plate 2 and the mounting plate when the bag support table is at the lower height limit.

Allowable Subject Matter

8. Claims 1 and 28 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

9. Claims 2-14, 16-21, 23, 26-27, 29-32 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh V. Tran whose telephone number is (571) 272-6868. The examiner can normally be reached on Monday-Thursday, and alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HVT *HVT*
April 28, 2006

LANNA MAI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Lanna Mai